

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DONALD KISSNER,

Petitioner,

v.

Case No. 2:12-CV-10619

KENNETH ROMANOWSKI,

Respondent.

**ORDER GRANTING PETITIONER'S
APPLICATION TO PROCEED *IN FORMA PAUPERIS* ON APPEAL**

Petitioner Donald Kissner filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court denied the petition on April 30, 2014, and also declined to issue a certificate of appealability. Now before the court is Petitioner's application to proceed *in forma pauperis* on appeal.

Federal Rule of Appellate Procedure 24(a)(1) provides that a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. An appeal may not be taken in forma pauperis if the court determines that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). "[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 631 (7th Cir. 2000). While the court has held that jurists of reason would not find the court's decision that the petition was meritless to be debatable or wrong, the court finds that an appeal may be taken in good faith.

Accordingly, IT IS ORDERED that Petitioner's application to proceed in forma pauperis on appeal [Dkt. # 18] is GRANTED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 24, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 24, 2014, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522